

1
2
3
4
5
6
7
8
9
10
11
12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 SOUTHERN DIVISION

15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 \$234,824.81 IN FUNDS SEIZED
19 FROM ONE FIDELITY INVESTMENTS,
20 INC. ACCOUNT, ET AL.,

21 Defendants.

22 MIHAE PARK, GEORGE RAY KERCIU,
23 AND THE KERCIU LIVING TRUST,

24 Claimants.

No. SACV 18-00626-JVS(JDEx)

**CONSENT JUDGMENT OF FORFEITURE
BETWEEN PLAINTIFF UNITED STATES OF
AMERICA AND THE CLAIMANTS**

25 Pursuant to the stipulation and request of Plaintiff United
26 States of America and Claimants Mihae Park, George Ray Kerciu and The
27 Kerciu Living Trust ("Claimants"), the Court hereby enters this
28 Consent Judgment of Forfeiture containing the terms set forth below:

1 On or about April 16, 2018, Plaintiff United States of America
2 ("the government," "the United States of America" or "plaintiff")
3 filed a Verified Complaint For Forfeiture alleging that defendants
4 \$234,824.81 in Funds Seized from One Fidelity Investments, Inc.
5 Account, \$50,800.00 in Funds Seized From One Allstar Capital Group,
6 Inc. Account, \$6,857.70 in Funds Seized from One JPMorgan Chase
7 Account, and \$128,600.00 in Funds Representing the Substitute Res for
8 One 2012 Ferrari California, (jointly the "defendants") are subject
9 to forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(A) & (C) and § 21
10 U.S.C. § 984.

11 On or about May 9, 2018, claimants Mihae Park, George R. Kerciu,
12 and The Kerciu Living Trust filed a claim to the defendants.

13 No other parties have appeared in this case and the time for
14 filing claims and answers has expired.

15 The United States of America and Claimants have now agreed to
16 settle this action relative to the disputes between them and to avoid
17 further litigation by entering into this Consent Judgment of
18 Forfeiture.

19 The Court, having been duly advised of and having considered the
20 matter, and based on the mutual consent of the United States of
21 America and the Claimants,

22 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

23 1. As between the United States of America and Claimants with
24 respect to the defendants, this Court has jurisdiction over the
25 subject matter of this action and the parties to this Consent
26 Judgment of Forfeiture.

27 2. As between the United States of America and Claimants, the
28 Complaint for Forfeiture states a claim for relief pursuant to 18

1 U.S.C. §§ 981(a)(1)(A) and (C) and 18 U.S.C. § 984.

2 3. Notice of this action has been given as required by law.
3 No appearances have been made in the litigation by any person other
4 than Claimants. The Court deems that all other potential claimants
5 except Mihae Park, George R. Kerciu, and The Kerciu Living Trust,
6 admit the allegations of the Complaint for Forfeiture to be true.

7 4. Claimants' interests in the defendants, \$234,824.81 in
8 Funds Seized from One Fidelity Investments, Inc. Account, \$50,800.00
9 in Funds Seized From One Allstar Capital Group, Inc. Account,
10 \$6,857.70 in Funds Seized from One JPMorgan Chase Account,
11 \$128,600.00 in Funds Representing the Substitute Res for One 2012
12 Ferrari California, shall be and hereby are condemned and forfeited
13 to the United States of America, which shall dispose of those items
14 in accordance with law.


15 5. Claimants hereby releases the United States of America, its
16 agencies, agents, officers, employees and representatives, including,
17 without limitation, all agents, officers, employees and
18 representatives of representatives of the United States Postal
19 Inspection Service or the Department of Justice and their respective
20 agencies, as well as all agents, officers, employees and
21 representatives of any state or local governmental or law enforcement
22 agency involved in the investigation or prosecution of this matter,
23 from any and all claims (including, without limitation any petitions
24 for remission), actions or liabilities arising out of or related to
25 this action, including, without limitation, any claim for attorney
26 fees, costs and interest, which may be asserted by or on behalf of
27 the Claimants with respect to the defendants, whether pursuant to 28
28 U.S.C. § 2465 or otherwise.

1 6. As between the United States of America and Claimants, (i)
2 the Court finds that there was reasonable cause for the seizure of
3 the defendants and institution of these proceedings; and (ii) this
4 judgment shall be construed as a certificate of reasonable cause
5 pursuant to 28 U.S.C. § 2465.

6 7. As between the United States of America and Claimants, the
7 Court further finds that Claimants did not substantially prevail in
8 this action, and the parties hereto shall bear their own attorney
9 fees and costs.

10 8. The United States of America and claimants consent to this
11 judgment and waive any right to appeal this judgment.

12
13
14
15 DATED: March 12, 2019


HONORABLE JAMES V. SELNA
UNITED STATES DISTRICT JUDGE

16 Presented by:

17 NICOLA T. HANNA
18 United States Attorney
19 LAWRENCE S. MIDDLETON
20 Assistant United States Attorney
21 Chief, Criminal Division
22 STEVEN R. WELK
23 Assistant United States Attorney
24 Chief, Asset Forfeiture Section

25 /s/ Brent A. Whittlesey
26 BRENT A. WHITTLESEY
27 Assistant United States Attorney

28 Attorneys for Plaintiff
UNITED STATES OF AMERICA